

TIMOTHY M. BURGESS
United States Attorney

STEPHAN A. COLLINS
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, Alaska 99513-7567
Tel: (907) 271-5071
Fax: (907) 271-1500
E-mail: stephan.collins@usdoj.gov
AK # 8911061

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	Case No. 3:05-cr-108 (JWS)
)	
Plaintiff,)	
)	RESPONSE TO ORDER
vs.)	REGARDING PREPARATION OF
)	A SCHEDULING AND
CARLOS RAINEY, ET AL,)	PLANNING AT DOCKET #135
)	
Defendant.)	
)	
)	

The United States submits its response to the court's order at Docket 135 Regarding Preparation of a Scheduling and Planning Order. As to those subjects the court directed the United States to submit responses, the United States submits

the following:

1: the fax number and e-mail address for counsel of the United States are (fax) (907) 271-1500 and (e-mail) stephan.collins@usdoj.gov.

2: counsel for the United States will defer to the requests of defense counsel in regard to the scheduling of motion practice. For the benefit of the court and the government, counsel would suggest that, where appropriate, defense counsel file joint motions rather than separate identical motions.

3: the United States would request that any final notice regarding any experts any party intends to call at trial and any required disclosures be scheduled for no later than 30 days before the commencement of trial.

4: the office of the United States Attorney has gone to great lengths to minimize the cost and burden of providing discovery to defendants who have appointed counsel in complex cases such as this. As part of this effort, the United States Attorney's has provided and made available to all defense counsel the documentary evidence obtained in this case in electronic form. The United States Attorney has provided this discovery to defense counsel for the simple cost of an exchange of compact discs, at no charge for the cost of individual copying, which in the past would have been as much as \$.25 per page for every page after 500. The United States Attorney, however, no longer has the budget, personnel, or

equipment to reproduce in house the audio and video discovery in complex multi-defendant cases and can not underwrite the expense of having a private service perform this function. As a result, the United States has made arrangements with a private company to reproduce these materials if counsel wish to obtain their own copies from this service at their own expense. This arrangement, however, is not a contractual one, rather, it is one of convenience. If the CJA panel wishes to enter into a contract with any private service that will work with the CJA reimbursement system, the United States will gladly arrange to provide this private service with the discovery materials. The United States Attorney can not and will not bear the burden of paying for the private service to reproduce these materials for defense counsel and then bill defense counsel for these materials.

5: the issues in cases such as this warrant a single trial; the United States is opposed to breaking the case up into a serial trial case. Furthermore, statistically, the number of defendants in a case such as this diminishes as the time for trial approaches. Even if the court were to consider making this a serial trial case, the

//

//

court should not decide that issue until it becomes readily apparent that the trial will have as many defendants going to trial.

RESPECTFULLY SUBMITTED this day, January 12, 2006, in
Anchorage, Alaska.

TIMOTHY M. BURGESS
United States Attorney

s/Stephan A. Collins
Assistant U.S. Attorney
222 West 7th Ave., #9, Rm. 253
Anchorage, AK 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-1500
E-mail: stephan.collins@usdoj.gov
AK # 8911061

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2006
a copy of the foregoing was served
electronically:

William B. Carey
(Counsel for ▲ Carlos Rainey)
Carey Law Office
1502 W. 34th Avenue
Anchorage, AK 99503
Fax: (907) 272-4256

T. Burke Wonnell
(Counsel for ▲ D'Andre Tolbert)
2600 Denali St., Ste. 460
Anchorage, AK 99503
Tele: 276-8008
Fax: 278-8571

Lance C. Wells
(Counsel for ▲ Krista Callan)
733 West 4th, Suite 308
Anchorage, AK 99501
Fax: (907) 277-9859

Raul Mendez, Esq.
(Counsel for ▲ Isai Hernandez)
P.O. Box 12028
Mill Creek, WA 98082
(206) 284-0849
(425) 316-6707

via FAX:

Scott Sterling, Esq.
(Counsel for ▲ Joshua Pluid)
851 E. Westpoint Drive Suite 201
Wasilla, AK 99654
Tele: 376-8076
Fax: 376-8078

Mark A. Rosenbaum
(Counsel for ▲ Damon Stevens)
4940 Byrd Lane, Ste. 100
Anchorage, AK 99502
Fax: (907) 243-2609

D. Scott Dattan
(Counsel for ▲ Shannon Rainey)
2600 Denali St., Suite 460
Anchorage, AK 99503
Fax: 907-278-8571

Michael Dieni
(Counsel for ▲ Richard McKinnon)
Federal Public Defender Agency
550 W. 7th Ave., #1600
Anchorage, AK 99501
Fax: (907) 646-3480

John C. Pharr
(Counsel for ▲ Alexander Booker)
733 W. 4th Ave., Suite 308
Anchorage, AK 99501
Fax: (907) 277-9859

s/ Stephan A. Collins